

**Remarks:**

Claims 1-61 are pending in this application

Claims 1-21, 23, 25, 26, 32-46, and 50 were withdrawn due to a previous restriction requirement.

In the Restriction Requirement mailed on July 7, 2009, in the above-identified application, the Examiner restricted the pending claims based on the presence of more than one species of the generic invention. The Examiner restricted the pending claims by the following species:

- IL-12; or
- IFN-gamma.

In response to the Restriction Requirement, Applicants hereby elect IL-12 as the species. This is done with traverse as we believe that it would not be unduly restrictive for the Examiner to search both cytokines as this does not reflect a change in the single general inventive concept under PCT Rule 13.1. All of the pending claims encompass the elected species, namely, 22, 24, 27-31, 47-49, 51-61.

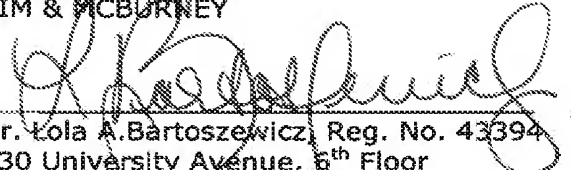
Although the present communication may include a characterization of claim scope, the Applicant is not conceding in this application that any claims (previously or currently pending) are not patentable. Any characterization being made is solely to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the description. Applicants reserve the right to seek rejoinder of the non-elected species.

The Commissioner is hereby authorized to charge any additional fees, including any fees for additional extension of time, or to credit any overpayment, to Deposit Account 192253.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Dr. Lola A. Bartoszewicz, at Telephone Number (416) 849-8420.

October 7, 2009  
Date

Respectfully submitted,  
SIM & MCBURNEY

  
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